

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
FREDY RENAN NÁJERA MONTOYA,	:	
	:	S1 15 Cr. 378 (PGG)
Defendant.	:	
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WHEREAS, on or about January 18, 2018, FREDY RENAN NÁJERA MONTOYA (the “Defendant”), was charged in a three-count Superseding Indictment, S1 15 Cr. 378 (PGG) (the “Indictment”), with cocaine importation conspiracy, in violation of Title 21, United States Code, Section 963 (Count One); possession of machineguns and destructive devices, in violation of Title 18, United States Code, Section 924(c)(1)(A) (Count Two); and conspiracy to possess machineguns and destructive devices, in violation of Title 18, United States Code, Section 924(o)(Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, of any and all property, constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of the offense, and any and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Indictment included a second forfeiture allegation as to Counts Two and Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18,

United States Code, Section 924(d), of all firearms and ammunition involved in and used in the commission of the offenses charged in Counts Two and Three of the Indictment;

WHEREAS, on or about February 19, 2020, the Defendant pled guilty to Count One, a lesser-included version of Count Two, and Count Three of the Indictment;

WHEREAS, the Government asserts that \$39,000,000 in United States currency represents any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment, that the Defendant personally obtained, and all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense charged in Count One of the Indictment, that the Defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$39,000,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant. The Court finds the amount of the Money Judgment is established by a preponderance of the evidence based on the parties' sentencing submissions and the record in this matter.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, FREDY RENAN

NÁJERA MONTOYA and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

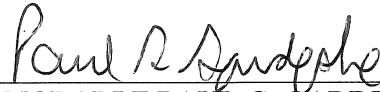
6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: New York, New York

Oct. 13, 2022

SO ORDERED:

A handwritten signature in cursive script, reading "Paul R. Gardephe".

HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE